

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

AMY LAMARCA, an individual; JON-CHRISTOPHER BOLLING, an individual; NANCY MCPHERSON, an individual; CHRISTINA REBMAN, an individual; ROLLAND D. WINTER, an individual; and CHRISTOPHER AMBROSE, an individual,)

Plaintiffs,)

v.)

VIRGINIA STATE BOARD OF ELECTIONS; CHARLES JUDD, in his capacity as Chairman of the Virginia State Board of Elections; KIMBERLY BOWERS, in her capacity as Vice-Chair of the Virginia State Board of Elections; DON PALMER, in his capacity as Secretary of the Virginia State Board of Elections; ROBERT F. MCDONNELL, in his capacity as Governor of Virginia; BILL BOLLING, in his capacity as Lieutenant Governor of Virginia; and KENNETH T. CUCCINELLI, II, in his capacity as Attorney General of Virginia,)

Defendants.)

Civil Action No. 1:11-cv-01255-AJT-JFA

MOTION FOR LEAVE TO FILE SURREPLY

Pursuant to Local Rule 7(F)(1), Plaintiffs Amy Lamarca, Jon-Christopher Bolling, Nancy McPherson, Christina Rebman, Rolland D. Winter, and Christopher Ambrose (collectively "Plaintiffs") respectfully request leave to file the attached Surreply Memorandum in order to respond to arguments raised for the first time in the Reply filed by Defendants Virginia State Board of Elections, Charles Judd, Kimberly Bowers, Don Palmer, Robert F. McDonnell, Bill Bolling, and Kenneth T. Cuccinelli, II (collectively "Defendants") in support of their 12(b) Motions to Dismiss ("Defendants' Reply"). In the alternative, Plaintiffs respectfully request that

the Court strike Defendants' newly-raised arguments that were improperly included, for the first time, in their reply. The grounds for this Motion are more fully articulated in the memorandum in support of this motion.

Dated: December 23, 2011

Respectfully submitted,

By: /s/ John K. Roche

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system and will serve the foregoing via email and overnight commercial delivery service to the following:

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